

REMARKS/ARGUMENTS

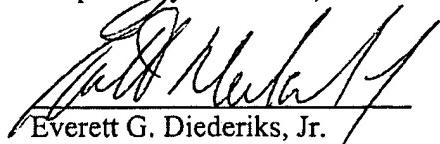
As the record will reflect, the Examiner initially rejected many of the claims in this application based on WO Patent Publication WO 02/21936. Based on an affidavit previously filed in the application, the WO document was removed as an effective reference. In the last Office Action, the Examiner switched to rely upon U.S. Patent No. 6,899,907 which actually represents the priority data for the previously relied upon WO publication. In the identified Office Action, the Examiner indicated that the previously filed affidavit was not effective because of a difference in inventorship between the WO document and the '907 patent. In the response filed on September 8, 2008 in this case, it was particularly pointed out that the inventorship is identical. In addition, it was previously discussed with the Examiner that, since the U.S. patent application that resulted in the '907 patent is the same priority data for the WO publication, for all intensive purposes, these two documents cover the same invention. For this reason, it was submitted that the previously submitted affidavit should have been accepted to also overcome the '907 patent.

As this was not readily agreed upon by the Examiner in discussing this matter by telephone, the previously discussed response was submitted requesting reconsideration. In an attempt to further expedite matters, another inventor affidavit has been obtained and is submitted herewith which specifically identifies the '907 patent, as opposed to the equivalent WO publication. Therefore, it is respectfully submitted that this affidavit decisively eliminates the '907 U.S. patent as effective prior art against the present invention. With the above in mind, reconsideration of the application and, more

Application Serial No. 10/005,052
Supplemental Response to Office Action dated June 6, 2008

particularly, allowance of the claims and passage of the application to issue are respectfully requested.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 10/005,052
Applicant : Adelmo Monsalve-Gonzalez et al.
Filed : December 4, 2001
Title : Bran and Bran Containing Products of Improved
Flavor and Methods of Preparation

TC/A.U. : 1761
Examiner : L. Tran

Docket No. : 5553US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FROM INVENTOR

Sir:

My name is Adelmo Monsalve-Gonzalez, and this document is being provided in response to the rejection of claims 1-3, 5-21, 23-26, 33-34, 35-39, 41 and 48 of the above-identified U.S. patent application under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,899,907 in an Office Action dated June 6, 2008. To this end, I declare that only I and Aruna Prakash jointly invented the subject matter of the '907 document and, correspondingly, U.S. Patent Application Serial No. 09/663,914 from which the patent issued that is being relied upon by the Examiner as the basis for this rejection.

I hereby declare that statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 101 of title 18 of

Application Serial No. 10/005,052
Statement from Inventor
Page 2 of 2

the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Adelmo Monsalve-Gonzalez

Date: 10/29/2008